

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 26, 2012

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Morris, Page.

### Approval of Journal

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 411](#), [H 412](#), [H 413](#), [H 414](#), [H 415](#), and [H 416](#).

WILLS, Chairman

[H 411](#) was referred to the Education Committee.

[H 412](#) was referred to the Agricultural Affairs Committee.

[H 413](#) and [H 414](#) were referred to the Transportation and Defense Committee.

[H 415](#) and [H 416](#) were referred to the State Affairs Committee.

January 25, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 402](#), [HJM 4](#), and [SJR 102](#) and recommend that they do pass.

WILLS, Chairman

[H 402](#), [HJM 4](#), and [SJR 102](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE JOINT MEMORIAL NO. 5 BY STATE AFFAIRS COMMITTEE

##### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho has a proprietary interest as a participant in the market for the procurement of construction services to secure the best construction at the best price; and

WHEREAS, the Legislature recognizes that the National Labor Relations Act allows for voluntary pre-hire agreements between an employer and a labor organization in the construction industry; and

WHEREAS, government-mandated project labor agreements and similar pre-hire agreement mandates have been shown to negatively impact the economy and efficiency of taxpayer-funded construction; and

WHEREAS, the Legislature has a desire to encourage efficiency and reward contractor innovation in the procurement and construction of publicly funded construction by maintaining a policy of neutrality on the use of project labor agreements.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the legislative intent for passing Senate Bill 1006 during the 2011 Legislative Session was to fulfill the state's proprietary objectives in maintaining and promoting the economical, nondiscriminatory, open and efficient expenditure of public moneys in connection with publicly funded or assisted construction projects.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

#### HOUSE JOINT MEMORIAL NO. 6 BY STATE AFFAIRS COMMITTEE

##### A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho, under the authority granted by Congress under Section 14(b) of the National Labor Relations Act, passed the state Right to Work statute in order to guarantee its citizens maximum individual freedom of choice in the pursuit

of employment and to be free from undue restraint and coercion with regard to employment; and

WHEREAS, the Right to Work law further guarantees Idaho citizens' right to work shall not be infringed or restricted in any way based on membership in, affiliation with or financial support of a labor organization or refusal to join, affiliate with or financially support a labor organization; and

WHEREAS, the Right to Work law declares it to be unlawful to deduct from the wages, earnings or compensation of an employee for dues, fees or assessments to a labor organization unless the employee has first signed a written authorization of such deductions; and

WHEREAS, labor organizations have developed so-called market recovery funds, job targeting funds or other such schemes, financed by assessments and sums withheld from employee paychecks, for the purpose of subsidizing a contractor or subcontractor, but that offer no guarantee they will ever directly benefit the employee; and

WHEREAS, such wage subsidy schemes would be illegal as price-fixing and a violation of wage and hour laws if entered into by nonunion employers and employees resulting in undermining a citizen's protections under the Right to Work statute and resulting, as a practical matter, in compulsory unionism; and

WHEREAS, such employer subsidies are often used in conjunction with other threatening and coercive union organizing activities that are intended to intimidate employers into voluntary recognition or employees into joining the union against their will, thereby weakening Idaho's economic climate, reducing employment opportunities for the vast majority of Idahoans unless they join a union, and ultimately undermining Idaho's Right to Work law; and

WHEREAS, the development and use of such funds goes beyond labor organizations' primary objectives, and allows labor organizations to combine with non-labor groups to gain an unfair advantage and directly undermine free and open competition.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that it is a compelling state interest of the Legislature to protect the right to work for all Idahoans, union and nonunion, under the authority granted by Congress under Section 14(b) of the National Labor Relations Act, by proscribing compulsory unionism as a condition of employment via anticompetitive rebates of employee wages to subsidize a contractor or subcontractor doing business in the State of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 5** and **HJM 6** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 417 BY REVENUE AND TAXATION COMMITTEE AN ACT**

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622GG, IDAHO CODE, TO PROVIDE THAT CERTAIN MATERIALS, PARTS AND COMPONENTS INSTALLED ON CERTAIN AIRCRAFT ARE

EXEMPT FROM THE SALES AND USE TAX; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

#### **HOUSE BILL NO. 418 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT**

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE A DEFINITION.

#### **HOUSE BILL NO. 419 BY BUSINESS COMMITTEE AN ACT**

RELATING TO THE BOARD OF REAL ESTATE APPRAISERS; AMENDING SECTION 54-4107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY PROCEEDINGS; AND AMENDING SECTION 54-4115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NONRESIDENT LICENSURE OR CERTIFICATION.

#### **HOUSE BILL NO. 420 BY BUSINESS COMMITTEE AN ACT**

RELATING TO INSURANCE ADMINISTRATORS; AMENDING SECTION 41-911, IDAHO CODE, TO ALLOW SUBMISSION OF UNAUDITED FINANCIAL STATEMENTS IN CONNECTION WITH HOME STATE LICENSE APPLICATIONS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 41-914, IDAHO CODE, TO REVISE ANNUAL REPORTING REQUIREMENTS FOR LICENSED ADMINISTRATORS.

#### **HOUSE BILL NO. 421 BY BUSINESS COMMITTEE AN ACT**

RELATING TO ORDERS AND NOTICES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-212, IDAHO CODE, TO CLARIFY THE METHODS BY WHICH SERVICE OF ORDERS AND NOTICES MAY BE MADE AND WHEN SAID SERVICE IS COMPLETE AND TO PROVIDE FOR ELECTRONIC SERVICE WHERE AGREED TO BY PARTIES IN CONTESTED CASES.

#### **HOUSE BILL NO. 422 BY BUSINESS COMMITTEE AN ACT**

RELATING TO FEES AND TAXES; AMENDING SECTION 41-406, IDAHO CODE, TO REMOVE THE REQUIREMENT OF CERTIFIED REPORTING TO THE STATE TREASURER.

#### **HOUSE BILL NO. 423 BY BUSINESS COMMITTEE AN ACT**

RELATING TO SMALL EMPLOYER AND INDIVIDUAL HEALTH INSURANCE RATES; AMENDING SECTION 41-4706, IDAHO CODE, TO ADD IMMUNIZATION ASSESSMENTS SPECIFIED UNDER CHAPTER 60, TITLE 41, IDAHO CODE, TO THE LIST OF ASSESSMENTS EXCLUDED, TO PROVIDE GENERAL STANDARDS FOR SMALL EMPLOYER RATES, TO PROVIDE RULEMAKING, TO REVISE A CODE REFERENCE AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC

IF REQUIRED BY OTHER APPLICABLE LAW; AND AMENDING SECTION 41-5206, IDAHO CODE, TO ADD IMMUNIZATION ASSESSMENTS SPECIFIED UNDER CHAPTER 60, TITLE 41, IDAHO CODE, TO THE LIST OF ASSESSMENTS EXCLUDED, TO PROVIDE GENERAL STANDARDS FOR INDIVIDUAL RATES, TO PROVIDE RULEMAKING AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC IF REQUIRED BY OTHER APPLICABLE LAW.

**HOUSE BILL NO. 424**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE STATE TREASURER; AMENDING SECTION 67-1201, IDAHO CODE, TO REVISE DUTIES OF THE STATE TREASURER AND TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 425**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO IDAHO COMMEMORATIVE SILVER MEDALLIONS; AMENDING SECTION 67-1223, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER, AS AN AGENT OF THE STATE OF IDAHO, IS AUTHORIZED TO OBTAIN, MAINTAIN AND PROTECT A FEDERAL TRADEMARK ON THE DESIGN OF EACH SERIES OF MEDALLIONS ISSUED AND TO REMOVE LANGUAGE STATING THAT IT IS THE DUTY OF THE STATE TREASURER TO PROTECT EACH AND EVERY TRADEMARK.

[H 417](#), [H 418](#), [H 419](#), [H 420](#), [H 421](#), [H 422](#), [H 423](#), [H 424](#), and [H 425](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [H 366](#) retain its place on the Third Reading Calendar until Monday, January 30, 2012. There being no objection, it was so ordered.

**[H 404](#) - CAPITOL MALL**

[H 404](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 404](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Hart, Higgins, Jaquet, Killen, King, Lacey, McGeachin, Pence, Ringo, Rusche, Smith(30), Trail. Total – 16.

Total – 70.

Whereupon the Speaker declared that [H 404](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

**Report of Standing Committees**

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1224](#) and recommend that it do pass.

NONINI, Chairman

[S 1224](#) was filed for second reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, January 27, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk